

71-1,206.29 Confidentiality; privilege; exceptions.

The confidential relations and communications between psychologists and their clients and patients shall be on the same basis as those between physicians and their clients and patients as provided in section 27-504.

In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, and in proceedings preliminary and ancillary thereto, a client or patient, or his or her legal guardian or personal representative, may refuse to disclose or may prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist, or to a person reasonably believed by the client or patient to be a psychologist, or the psychologist's or person's agents, for the purpose of diagnosis, evaluation, or treatment of any mental and emotional disorder. In the absence of evidence to the contrary, the psychologist shall be presumed to be authorized to claim the privilege on the client's or patient's behalf.

This privilege may not be claimed by the client or patient, or on his or her behalf by authorized persons, in the following circumstances:

- (1) When abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;
- (2) When the validity of a will of a former client or patient of the psychologist is contested;
- (3) When such information is necessary for the psychologist to defend against a malpractice action brought by the client or patient;
- (4) When an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;
- (5) When an immediate threat of self-inflicted injury is disclosed to the psychologist;
- (6) When the client or patient, by alleging mental or emotional damages in litigation, puts his or her mental state in issue;
- (7) When the client or patient is examined pursuant to court order;
- (8) When the purpose of the proceeding is to substantiate and collect on a claim for mental or emotional health services rendered to the client or patient or any other cause of action arising out of the professional relationship; or
- (9) In the context of investigations and hearings brought by the client or patient and conducted by the board, when violations of sections 71-1,206.01 to 71-1,206.35 are at issue.

Source:

Laws 1994, LB 1210, § 91; Laws 1999, LB 366, § 16.